

REMARKS

This Application has been carefully reviewed in light of the Final Action issued September 22, 2010. Claims 1, 5-9, 11, 14-16, 19, and 20 are pending in this application. In order to advance prosecution of this Application, Claim 16 has been amended and Claims 8, 9, 14, and 20 have been canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this Application.

The drawings stand objected to under 37 C.F.R. §1.83(a) as not showing every feature of the invention specified in the claims. The Examiner states that the addition of a midsole to the drawings, though specifically requested by the Examiner and totally supported by Applicant's specification, adds new matter to the Application. Though the Examiner's position is totally without merit, the feature of a midsole has been canceled from the claims for further pursuit in a continuation application in order for this Application to proceed to issuance. Therefore, Applicant respectfully submits that the drawings are in compliance with 37 C.F.R. §1.83(a).

The drawings stand objected to for being inconsistent with Applicant's specification. Applicant's specification discloses a point 824 is approximately halfway across a length of shoe 810 that is also a feature of Independent Claims 1, 11, and 16. FIGURE 14 has been amended to show that point 824 is substantially halfway across a length of the shoe as requested by the Examiner. Applicant's specification discloses the location of point 824 at page 29, lines 16-20. Therefore, Applicant respectfully submits that the drawings are in compliance with 37 C.F.R. §1.83(a).

Applicant notes with appreciation the allowance of Claims 1, 5-9, 11, 14-16, 19, and 20. Claims 8, 9, 14, and 20 have

been canceled without prejudice or disclaimer for further prosecution in a continuation application. With the submission of the replacement drawing sheet and the amendments to the claims, Applicant respectfully submits that all outstanding objections and rejections have been overcome and the Application is now in condition for allowance.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this Application, Applicant invites the Examiner to contact the undersigned attorney at the number provided below.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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